

### **REMARKS**

The Office Action of December 24, 2008, and the Advisory Action of April 29, 2008, have been carefully reviewed and these remarks are responsive thereto. Claims 11, 22, 31, 35, 42, 44, and 59-68 have been amended to further clarify the scope of protection. Claims 15-19, 24-26, 28, and 45-49 have been amended to correct step numbering based on the amendments to the independent claims from which they depend. Claim 37 was amended to correct a typographical error with respect to the claim from which claim 37 depends. Claims 11-37, 42-51, and 59-68 are pending. Reconsideration and allowance of the instant application are respectfully requested.

#### ***Request for Examiner Interview***

Applicants hereby request an in-person interview with the examiner prior to a next action on the merits, unless such action is an allowance of this case. The examiner is invited to contact Applicants' undersigned representative at (202) 824-3153 to schedule the interview at the examiner's earliest convenience.

#### ***Comments Regarding Alleged Non-functional Descriptive Material***

Applicants reiterate the belief that the claims in the previously presented amendment are and were patentable. However, Applicants have made amendments in line with suggestions from the Examiner as stated in the Advisory Action and believe that the claims in the present form should overcome any assertion that the matter previously identified as non-functional should not be given patentable weight. Applicants assert that the claims, as currently presented, embody a functional relationship between the data and the other elements of the claim. Applicants again respectfully request that the claims be reconsidered and allowed as amended.

#### ***Rejections Under 35 U.S.C. § 112***

Pending claims 59-68 stand rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Applicants respectfully assert that the claims are supported by the specification. However, Applicants have amended

claims 59, 61, 63, 65, and 67 in order to advance the prosecution of this application. Claims 60, 62, 64, 66, and 68 depend from claims 59, 61, 63, 65, and 67, respectively.

***Rejections Under 35 U.S.C. § 103(a)***

Pending claims 11-37 and 42-51 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over McClelland (U.S. Patent No. 6,707,879, hereinafter *McClelland*) in view of Obrador (U.S. Patent Appl. No. 2002/0049660, hereinafter *Obrador*), in further view of Moore (U.S. Patent No. 6,246,778, hereinafter *Moore*). Applicants respectfully traverse.

The features of independent claims 11, 22, 31, 35, and 42 are not taught or suggested by the prior art of record, even if combined. For example, claim 11 recites an element that includes receiving a task list “receiving a task list, wherein each task comprises information known about shipments of goods prior to the shipment being inspected.” The Office Action asserts that *McClelland* teaches this element in Column 12, lines 1-11 and Column 10, lines 31-52.

Applicants respectfully submit that the Advisory Action mischaracterizes Applicants’ arguments with respect to the task list. First, the Advisory Action asserts that Applicants argue that “applicnat [sic] is not considering that to be a task list due to the fact that the image from the x-ray is considered to be part of the inspection.” This is not true; Applicants assert that there is no task list in the cited reference because an x-ray image does not equate to a “task list” under any reasonable interpretation of that term. Additionally, the Advisory Action asserts that “the task list was shown and explained by the examiner further in the paragraph and referenced column 10.” However, the referenced paragraph in column 12 ends at line 11 and nothing in that paragraph teaches anything relating to a task list. Moreover, nothing in the cited paragraph of column 10 equates to a task list either. In particular, paragraph 10 discloses status indicators of the workstations. In fact, column 10, at lines 41-45 of *McClelland* states that “[i]t is to be appreciated that the queue indicator is intended as a visual indicator of the state of the queue of the corresponding workstation, and is not necessarily intended to be an exact indicator of the number of items awaiting inspection at the workstation.” Any similarity

between the cited portion of column 10 and the claimed “task list” is erased by this statement, which explicitly states that the visual display is merely a status indicator and does not represent each item in the queue.

Additionally, the Office Action asserts that Column 10, lines 31-52 of *McClelland* teach the element of receiving a task list, “wherein each task comprises information known about shipments of goods prior to the shipment being inspected,” as recited in claim 11. (Office Action, pg. 4). However, nothing in *McClelland* involves either using any pre-existing data or data related to a task list. The cited passage of *McClelland* merely teaches providing the status of workstations, specifically whether or not the workstation is busy. The Office Action also states that “the file that is created is from an x-ray machine, therefore information is known about the item before the shipment is being inspected.” (Office Action, pg. 4). However, the imaging of the baggage via x-ray is a part of the inspection of the baggage. The image files referred to are not information received prior to the shipment being inspected and certainly can not be equated to the “task list” recited in claim 11.

The Advisory Action asserts that “the inspection of *McClelland* is done in multiple parts, the first inspection may be the x-ray, but there is also a secondary inspection, which the examiner is considered to be the inspection of the present method.” Applicants can not find any cited portion of *McClelland* where a secondary inspection takes place and respectfully request identification of this secondary inspection. Applicants respectfully submit that the inspection process of *McClelland* is a single inspection where an x-ray is taken and that x-ray is examined. These two steps **combined** result in an inspection. Merely taking an x-ray without looking at it does not equate to an inspection. Furthermore, when the inspection process is reviewing an x-ray, the information in the x-ray is not known prior to reviewing the x-ray.

Moreover, nothing in *Obrador* or *Moore* cures these deficiencies of *McClelland*. Therefore, the prior art of record fails to teach or suggest at least these identified features of claim 11.

Furthermore, even if *McClelland*, *Obrador*, and *Moore* were to teach each of the

elements of claim 11, the Office Action has not properly provided sufficient motivation to combine the various elements. Applicants reiterate their position with respect to the improper combination of references here. For example, it is improper to combine two references when the primary reference teaches away from incorporating aspects of the secondary reference. *McClelland* explicitly states that the purpose of the system is for **remote** inspection of items. Exemplary portions of the specification include:

- “The present invention is directed toward a system and method for screening items ... **particularly from a remote location.**” – Column 3, line 66-Column 4, line 1 (emphasis added);
- “a system for baggage screening that is **remotely monitored and controlled**” – Column 2, lines 24-25 (emphasis added);
- “a baggage screening system for **remote screening** of items” – Column 2, lines 46-47 (emphasis added); and
- “a system for **remote inspection** of items” – Column 2, lines 63-64 (emphasis added).

Therefore, because *McClelland* teaches away from an “on-site inspection,” as is used in *Obrador*, the combination with the teaching of on-site inspection of *Obrador* is improper.

Independent claims 22, 31, 35, and 42 recite similar features as claim 11 insofar as each independent claim recites receiving a task list where “each task comprises information known about shipments of goods” and the information is known prior to the shipment being inspected. Therefore, each of independent claims 22, 31, 35, and 42 is allowable at least for the same reasons as claim 11.

In addition, claims 31 and 35 include, among other features, a database wherein each entry is representative of a task. Such a database is not taught or suggested by the prior art of record. As stated above, this information is used by the later elements of the claim. For at least the foregoing reasons, independent claims 11, 22, 31, 35, and 42 are allowable.

Dependent claims 12-21, 23-30, 32-34, 36-37, 43-51, and 59-68 are distinguishable over the prior art of record for at least the same reasons as the base claims from which each dependent claim depends and further in view of the novel features recited therein.

***Conclusion***

In view of the foregoing, Applicants respectfully request reconsideration and withdrawal of the Examiner's rejections and allowance of claims 11-37, 42-51, and 59-68 in the present Application. Applicants respectfully submit that the instant application is in condition for allowance and respectfully solicit prompt notification of the same. Should the Examiner find that a telephonic or personal interview would expedite passage to issue of the present application, the Examiner is encouraged to contact the undersigned attorney at the telephone number indicated below. Applicants look forward to passage to issue of the present application at the earliest convenience of the Office.

Respectfully submitted,  
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